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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/17/2003

Xin Xue

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EXAMINER

TO, BAOTRAN N

ART UNIT

PAPER NUMBER

2435

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/666,889	Applicant(s) XUE, XIN	
	Examiner Bao tran N. To	Art Unit 2435	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office action is in response to the Applicant's Amendment filed 11/21/2008.
Claim 44 is newly added.
Claims 1-44 are presented for examination.

Response to Arguments

2. Applicant's arguments with respect to claims 1-44 have been considered but are moot in view of the new ground(s) of rejection.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on 10/14/2008 and 01/19/2009. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 19-23, 28-32, 36-40 are rejected under 35 U.S.C. 102(e) as being anticipated by Howard et al. (U.S. Patent Application Publication: 2004/0103064 A1) hereinafter Howard.

Regarding Claim 19, Howard discloses a system for downloading content (Figure 1), comprising:

a removable memory (Figure 1, smart card 14), the removable memory including authentication data (paragraph 0020), wherein the authentication data includes a predetermined level of content access (paragraphs 0022-0026);

an electronic device (Figure 1, element 10) configured to receive the removable memory (paragraph 0018); and

a server (Figure 1, elements 30 and 40, paragraph 0022), wherein when the electronic device accesses the server (paragraph 0021), the removable memory is authenticated by reading the authentication data from the removable memory (paragraph 0020) and determining the predetermined level of content access (paragraphs 0022-0026), and further

wherein once authenticated (paragraph 0021), content according to the predetermined level of content access is downloaded from the server to the electronic device (Figure 1, elements 10 and 40, paragraphs 0022-0026).

Regarding Claim 28, Howard discloses an electronic device (Figure 1, element 10) for downloading (Abstract), comprising:

a memory slot (Figure 1, card reader 12) configured to receive a removable memory (Figure 1, smart card 14), wherein the removable memory includes authentication data (paragraph 0020), the authentication data includes a predetermined level of content access (paragraphs 0022-0026); and

a communications interface configured for coupling to a server (Figure 1, elements 30 and 40, paragraph 0022), wherein when the electronic device accesses the server through the communications interface (Figure 1, paragraphs 0018-0021), the removable memory is authenticated by reading the authentication data from the removable memory (paragraph 0020) to determine the predetermined level of content access (paragraphs 0022-0026),

further wherein content according to the predetermined level of content access is downloaded (Figure 1, elements 10 and 40, paragraphs 0022-0026).

Regarding Claim 36, Hori discloses a removable memory (memory card 110/112) for downloading, comprising:

authentication data (paragraph 0020), the authentication data includes a predetermined level of content access (paragraphs 0022-0026)

a communications interface configured for coupling to a server (Figure 1, elements 30 and 40, paragraph 0022), wherein when an electronic device (Figure 1, element 10) accesses the server through the communications interface (Figure 1, paragraphs 0018-0021), the removable memory is authenticated by reading the authentication data from the removable memory (paragraph 0020) to determine the

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predetermined level of content access (paragraphs 0022-0026), further wherein the electronic device includes a memory slot (Figure 1, card reader 12) configured to receive the removable memory (Figure 1, smart card 14, paragraph 0018), and further

wherein content according to the predetermined level of content access is downloaded (Figure 1, elements 10 and 40, paragraphs 0022-0026), further wherein the predetermined level of content access determines how much of the content on the server is available for download (paragraph 0025).

Regarding Claims 20, 29, and 37, Howard discloses the limitations of Claims 19, 28, and 36 above. Hori further discloses wherein the authenticating is performed by the server (paragraph 0022).

Regarding Claims 21, 30, and 38, Howard discloses the limitations of Claims 19, 28, and 36 above. Howard discloses further discloses wherein the removable memory is a semiconductor memory (Howard, Figure 1, element 14).

Regarding Claims 22, 31, and 39, Howard discloses the limitations of Claims 19, 28, and 36 above. Howard further discloses time stamping the authentication data, such that the predetermined level of content access is available for a predetermined amount of time (paragraphs 0022-0026).

Regarding Claims 23, 32, and 40, Howard discloses the limitations of Claims 19, 28, and 36 above. Howard further discloses wherein the server is accessed through a wired internet connection, further wherein the wired internet connection includes a conduit and a personal computer (Howard, Figure 1, paragraphs 0018).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-18 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Howard et al. (U.S. Patent Application Publication: 2004/0103064 A1) hereinafter Howard in view of Hori et al. (U.S. Patent Application Publication: 2004/0010467 A1) hereinafter Hori.

Regarding Claims 1 and 10, Howard discloses a method of downloading content from a server to an electronic device (Figure 1, elements 10, 30, and 40), comprising:

storing authentication data on a removable memory (smart card 14) (paragraph 0020), wherein the authentication data includes a predetermined level of content access (paragraphs 0022-0026);

accessing the server with the electronic device (Figure 1, elements 10, paragraph 0021);

authenticating the removable memory by reading the authentication data from the removable memory (paragraph 0020) to determine the predetermined level of content access (paragraphs 0022-0026); and

downloading the content from the server to the PC (paragraph 0025) according to the predetermined level of content access (paragraphs 0022-0026), but fails to disclose downloading the content from the server to the removable memory.

However, Howard expressly discloses downloading the content from the server to the removable memory (Figure 6, paragraphs 0065 and 0171).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated Hori's invention within Howard to include downloading the content from the server to the removable memory. One of ordinary skill in the art would have been to do so because it would prevent distributed copyrighted data from being replicated without permission of the copyright owner (Hori paragraph 0010).

Regarding Claim 44, Howard discloses a method of downloading content from a server to an electronic device (Figure 1), comprising:

storing authentication data on a removable memory (smart card 14) (paragraph 0020), wherein the authentication data includes a predetermined level of content access (paragraphs 0022-0026);

accessing the server with the electronic device (Figure 1, elements 10, paragraph 0021);

authenticating the removable memory by reading the authentication data from the removable memory (paragraph 0020) to determine the predetermined level of content access (paragraphs 0022-0026);

wherein the authentication data is time stamped, such that the predetermined level of content access is available for a predetermined amount of time (paragraphs 0022-0026); and

downloading the content from the server to the PC (paragraph 0025) according to the predetermined level of content access (paragraphs 0022-0026), but fails to disclose downloading the content from the server to the removable memory.

However, Howard expressly discloses downloading the content from the server to the removable memory (Figure 6, paragraphs 0065 and 0171).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated Hori's invention within Howard to include downloading the content from the server to the removable memory. One of ordinary skill in the art would have been to do so because it would prevent distributed copyrighted data from being replicated without permission of the copyright owner (Hori paragraph 0010).

Regarding Claims 2 and 11, Howard and Hori disclose the limitations of Claim 1 above. Hori further discloses wherein the authenticating is performed by the server (Howard, paragraph 0022 and Hori paragraph 0063).

Regarding Claims 3 and 12, Howard and Hori disclose the limitations of Claim 1 above. Hori further discloses wherein the removable memory is a semiconductor memory (Howard, Figure 1, element 14 and Hori Figure 1, element 110, paragraph 0065).

Regarding Claims 4 and 13, Howard and Hori disclose the limitations of Claim 1 above. Howard further discloses time stamping the authentication data, such that the predetermined level of content access is available for a predetermined amount of time (paragraphs 0022-0026).

Regarding Claims 5 and 14, Howard and Hori disclose the limitations of Claim 1 above. Howard and Hori further disclose wherein the server is accessed through a wired internet connection, further wherein the wired internet connection includes a conduit and a personal computer (Howard, Figure 1 and Hori Figures 1 and 4).

Regarding Claims 6 and 15, Howard and Hori disclose the limitations of Claim 1 above. Hori further discloses wherein the server is accessed through a wireless connection (Figure 1, paragraph 0076).

Regarding Claims 7 and 16, Howard and Hori disclose the limitations of Claim 6 above. Hori further discloses wherein the wireless connection includes an internet connection (paragraph 0071).

Regarding Claims 8 and 17, Howard and Hori disclose the limitations of Claim 6 above. Hori further discloses wherein the wireless connection includes a local area network (paragraph 0071).

Regarding Claims 9 and 18, Howard and Hori disclose the limitations of Claim 6 above. Hori further discloses wherein the wireless connection includes a wide area network (paragraph 0071).

6. Claims 24-27, 33-35, and 41-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Howard as applied to claims 19, 28, and 36 above and further in view of Hori et al. (U.S. Patent Application Publication: 2004/0010467 A1) hereinafter Hori.

Regarding Claims 24, 33, and 41 Howard and Hori disclose the limitations of Claims 19, 28, and 36 above. Howard further discloses other communications networks other than the Internet may be used to connect the content server with the user's PC (paragraph 0027), but does not explicitly disclose wherein the server is accessed through a wireless connection. However, Hori discloses wherein the server is accessed through a wireless connection (Figure 1, paragraph 0112). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated Hori's invention within Howard to include the wireless connection.

One of ordinary skill in the art would have been to do so because it would distribute music data to each user via a cellular phone network (Hori paragraph 0062).

Regarding Claims 25, Howard and Hori disclose the limitations of Claims 24, 33, and 41 above. Hori further discloses wherein the wireless connection includes an internet connection (Figure 1, paragraph 0071).

Regarding Claims 26, 34, and 42, Howard and Hori disclose the limitations of Claims 24, 33, and 41 above. Hori further discloses wherein the wireless connection includes a local area network (Figure 1, paragraph 0071).

Regarding Claims 27, 35, and 43, Howard and Hori disclose the limitations of Claims 24, 33, and 41 above. Hori further discloses wherein the wireless connection includes a wide area network (Figure 1, paragraph 0071).

Contact Information

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Baotran N. To whose telephone number is (571)272-8156. The examiner can normally be reached on Monday-Friday from 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/B. N. T./

Examiner, Art Unit 2435

/Kimyen Vu/

Supervisory Patent Examiner, Art Unit 2435